



February 18, 2009

HOUSE BILL No. 1020

DIGEST OF HB 1020 (Updated February 17, 2009 1:34 pm - DI 107)

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past and may order the person to not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device for six months. Requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective: July 1, 2009.

Duncan, Lawson L, Crouch

January 7, 2009, read first time and referred to Committee on Judiciary.
February 17, 2009, amended, reported — Do Pass.

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February 18, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1020

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-10, AS AMENDED BY P.L.126-2008,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 10. (a) In addition to a criminal penalty imposed
4 for an offense under this chapter or IC 14-15-8, the court shall, after
5 reviewing the person's bureau driving record and other relevant
6 evidence, recommend the suspension of the person's driving privileges
7 for the fixed period of time specified under this section. The court may
8 require that a period of suspension recommended under this section be
9 imposed, if applicable, before a period of incarceration or after a period
10 of incarceration, or both before and after a period of incarceration, as
11 long as the suspension otherwise complies with the periods established
12 in this section.

13 (b) If the court finds that the person:
14 (1) does not have a previous conviction of operating a vehicle or
15 a motorboat while intoxicated; or
16 (2) has a previous conviction of operating a vehicle or a
17 motorboat while intoxicated that occurred at least ten (10) years

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before the conviction under consideration by the court;
 the court shall recommend the suspension of the person's driving
 privileges for at least ninety (90) days but not more than two (2) years.
**The court may stay the execution of the part of the suspension that
 exceeds the minimum period of suspension and grant the person
 probationary driving privileges for a period equal to the length of
 the stay. Except as provided in subsection (g), if the court grants
 probationary driving privileges under this subsection, the court
 may order that the probationary driving privileges include the
 condition that for six (6) months the person may not operate a
 motor vehicle unless the motor vehicle is equipped with a
 functioning certified ignition interlock device under IC 9-30-8.**

(c) If the court finds that the person has a previous conviction of
 operating a vehicle or a motorboat while intoxicated and the previous
 conviction occurred more than five (5) years but less than ten (10)
 years before the conviction under consideration by the court, the court
 shall recommend the suspension of the person's driving privileges for
 at least one hundred eighty (180) days but not more than two (2) years.
 The court may stay the execution of that part of the suspension that
 exceeds the minimum period of suspension and grant the person
 probationary driving privileges for a period of time equal to the length
 of the stay. **Except as provided in subsection (g), if the court grants
 probationary driving privileges under this subsection, the court
 shall order that the probationary driving privileges include the
 condition that for six (6) months the person may not operate a
 motor vehicle unless the motor vehicle is equipped with a
 functioning certified ignition interlock device under IC 9-30-8.**

(d) If the court finds that the person has a previous conviction of
 operating a vehicle or a motorboat while intoxicated and the previous
 conviction occurred less than five (5) years before the conviction under
 consideration by the court, the court shall recommend the suspension
 of the person's driving privileges for at least one (1) year but not more
 than two (2) years. The court may stay the execution of that part of the
 suspension that exceeds the minimum period of suspension and grant
 the person probationary driving privileges for a period of time equal to
 the length of the stay. **Except as provided in subsection (g), if the
 court grants probationary driving privileges under this subsection, the
 court shall order that the probationary driving privileges include the
 requirement condition that for six (6) months the person may not
 operate a motor vehicle unless the motor vehicle is equipped with a
 functioning certified ignition interlock device under IC 9-30-8.**
 However, the court may grant probationary driving privileges under

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1 this subsection without requiring the installation of an ignition
 2 interlock device if the person is successfully participating in a court
 3 supervised alcohol treatment program in which the person is taking
 4 disulfiram or a similar substance that the court determines is effective
 5 in treating alcohol abuse. The person granted probationary driving
 6 privileges under this subsection shall pay all costs associated with the
 7 installation of an ignition interlock device unless the sentencing court
 8 determines that the person is indigent.

9 (e) If the conviction under consideration by the court is for an
 10 offense under:

- 11 (1) section 4 of this chapter;
- 12 (2) section 5 of this chapter;
- 13 (3) IC 14-15-8-8(b); or
- 14 (4) IC 14-15-8-8(c);

15 the court shall recommend the suspension of the person's driving
 16 privileges for at least two (2) years but not more than five (5) years.

17 (f) If the conviction under consideration by the court is for an
 18 offense involving the use of a controlled substance listed in schedule
 19 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
 20 offense, the court shall recommend the suspension or revocation of the
 21 person's driving privileges for at least six (6) months.

22 **(g) If a person is granted probationary driving privileges under**
 23 **subsection (b), (c), or (d) subject to the condition that the person**
 24 **may not operate a motor vehicle unless the motor vehicle is**
 25 **equipped with a functioning certified ignition interlock device, the**
 26 **person shall pay all costs associated with the installation of an**
 27 **ignition interlock device in the person's motor vehicle unless the**
 28 **sentencing court determines that the person is indigent.**

29 SECTION 2. IC 9-30-8-1, AS AMENDED BY P.L.172-2006,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2009]: Sec. 1. (a) If a court orders the installation of a
 32 certified ignition interlock device under IC 9-30-5 on a motor vehicle
 33 that a person whose license is restricted owns or expects to operate,
 34 except as provided in subsection (b), the court shall set the time that the
 35 installation must remain in effect. However, the term may not exceed
 36 the maximum term of imprisonment the court could have imposed. The
 37 person shall pay the cost of installation unless the sentencing court
 38 determines that the person is indigent.

39 (b) If the court orders installation of a certified ignition interlock
 40 device under ~~IC 9-30-5-10(d)~~, **IC 9-30-5-10**, the installation must
 41 remain in effect for a period of six (6) months.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "shall" and insert "**may**".

Page 3, delete lines 22 through 29.

Page 3, line 30, delete "(h)" and insert "**(g)**".

and when so amended that said bill do pass.

(Reference is to HB 1020 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 10, nays 0.

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